

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS  
OFFICE OF THE ZONING ADMINISTRATOR**



November 23, 2010

Norman M. Glasgow, Jr.  
Steven E. Sher  
Director of Zoning and Land Use Services  
Holland & Knight LLP  
2099 Pennsylvania Avenue, N.W. - Suite 100

Washington D.C. 20006

Re: McGogney School - Wheeler Road, S.E.

Gentlemen:

This is to follow-up on our discussion on Monday, November 8, 2010, concerning the above-referenced property (Square 5934, Lot 802) located at the northeast corner of the intersection of Wheeler Road and Mississippi Avenue, S.E. The property is zoned R-5-A. The property is a former District public school building which is now to be used by the Eagle Academy, which is a public charter school. By definition, a charter school is considered to be a public school under the Zoning Regulations and is permitted as a matter-of-right in R-1 and less restrictive zones.

Eagle Academy intends to construct an addition which would increase the total gross floor area of the building to approximately 100,000 square feet. You advised that approximately 18,000 square feet of the building is proposed to be used by Howard University Hospital as a medical clinic which can provide services to the children at the school but also can serve the medical needs of the larger community.

To the extent that the facility is serving the school children, because the facility would occupy less than twenty percent of the gross floor area of the building, it would be considered as accessory ("customarily incidental and subordinate") to the school use.

A clinic is a use permitted as a matter-of-right in an R-4 District (§330.5(g)) and is therefore permitted by carry-over provision as a matter of right in an R-5-A District (§350.4(a)). A clinic is defined in the §199.1 of the Regulations as:

"a building or part of a building in which members of the medical or dental professions are associated for the purpose of conducting a joint practice of the professions. Each clinic shall contain a diagnostic center and, in addition, may

contain research, educational, minor surgical, or treatment facilities; provided, that all the facilities are limited to the treatment and care of out-patients.

The term "clinic" shall be limited to those buildings in which the joint practice of medical or dental professions is conducted in such a manner that all fees for services rendered are established by and paid to a common business office without direct payment of the fees to individual practitioners, and shall not include a building in which the separate and individual practice of the above professions is conducted."

Presuming that Howard University Hospital's facility would be structured to meet the definition of a clinic, that use would be permitted as a matter-of-right in the subject building.

Please let me know if I may be of further assistance.

Sincerely,   
Matthew Le Grant  
Zoning Administrator